

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, September 1, 2009 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Chair Fabio Carrera, Vice Chair Paul Tee, Shirley Shiver, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: None.

Staff present: Adam Gaudette, Town Planner.

ODIS Director Evaluation:

Before the Board conducts its business, Mr. Paul Guida, Town Administrator, wanted to have a discussion with the Board in regards to evaluation of Mr. Adam Gaudette, ODIS Director/Town Planner.

Mr. Guida informed the Board that with the Town's budget circumstances, all Municipal Department Managers have volunteered to give up their raises, which attributed in helping the Town keeping all employees and avoiding any layoffs. Mr. Guida thanked Mr. Gaudette for waiving his raise.

Mr. Guida expressed that Mr. Gaudette is doing a good job for the Town. One of Mr. Gaudette's primarily responsibilities is to provide staff support and technical support to the Planning Board and the Zoning Board of Appeals. Thus, he would like to receive an input from the Board either individually or as a group before he finalizes his evaluation. He also needs help from the Board in regards to setting performance goals for Mr. Gaudette for the following year. Mr. Guida then passed out evaluation forms to all members.

Ms. Shiver made a comment that the Planning Board and the Town need a Town Planner, to ensure the bylaws are followed and development prospers. The level of services Mr. Gaudette has provided to the Board is very important. Mr. Tee also commented that the Board is fortunate to have Mr. Gaudette as a Town Planner; he is experienced and is knowledgeable of the industry.

Mr. Guida stated that if there was no Town Planner, the fees from seeking a private consultant would be costly and that would be added onto the applicants' fees. In addition, without the

proper and experienced Town Planner, the Town would spend more money on legal fees. As for the upcoming year, the Town will face more difficult challenges with the budget. However, he will try his best to keep all staff and the operations intact.

Mr. Guida expressed that he would like to have meetings regularly and publicly with the Board. The purpose is to have communication and discussion on things that happen in Town. Mr. Guida thanked all members for their time.

New Business:

A. ANR Plan – Vernon and Janet McClish, 16 Thompson Pond Road, creation of 2 lots. Mr. Douglas Andrysick, the applicant's surveyor, was present. He described the topography of the land. He said that the two lots met frontage, setbacks, and lot area requirements.

At this time the Board was reviewing the plan. Mr. Gaudette said that the plan met all requirements of the Spencer Subdivision Regulation. In addition, he asked the applicant to provide topography to demonstrate access. Ms. Shiver then made a motion to accept the ANR plan as presented tonight, and to have Mr. Gaudette endorse the plan. Mr. Tee seconded the motion and the vote was 5-0 in favor.

B. ANR Plan – Robert and Regina Kontoes, off of Greenville Street, boundary line adjustment. The applicant is Mr. Frederick Chesanek. He is related to the Kontoes, and his property also abuts the Kontoes. Mr. Chesanek's property is only half an acre and has a small backyard, and he would like to obtain more land. The ANR plan submitted is for a boundary adjustment - one acre of land from the Kontoes would be transferred and combined with his property.

Mr. Gaudette said that he had asked Mr. Chesanek to add more information such as location of the house, total lot area, wetlands, and note any decisions by the Planning Board and the Zoning Board in regards to the land or any buildings. The revised plan presented tonight had all the requested information. The land to be transferred is identified as "Parcel A" on the plan. Mr. Chesanek's lot will be more conforming after the boundary line adjustment. Mr. Gaudette said that the ANR plan met the requirements of the Spencer Subdivision Regulation.

At this time the Board was reviewing the plan. Ms. Shiver then made a motion to accept the ANR plan as presented tonight, and to have Mr. Gaudette endorse the plan. Mr. Tee seconded the motion and the vote was 5-0 in favor.

Old Business:

A. Deer Run – Update. Mr. Gaudette informed the Board that he will meet with Mr. Stanley Weinberg, Town Counsel, on the following day to finalize the legal process of taking surety. The Planning Board will hold a public hearing on October 6, 2009. Notification letters of the public hearing will be sent to the developer, Framingham Co-operative Bank, and all

abutters and abutting towns. He will also send explanation letters of the current situation to all residents of Deer Run.

A discussion on plowing the road this winter was also discussed at a previous meeting. Mr. Gaudette said the developer is obligated to plow and maintain the road. Due to the default situation Mr. Gaudette is working with Mr. Robert McNeil, Utility & Facility Superintendent, and his staff to take care of the road, and then possibly lien the property. At any point the lots are sold, the Town would have the ability to recover the money spent for road maintenance.

There was a discussion on the surety amount and the cost of completing the remaining work. The surety is not enough to cover the cost. There were options and suggestions given by the Board and Mr. Gaudette. Mr. Gaudette said he will present them to Mr. Weinberg when they meet.

B. Westerman – Update. Mr. Gaudette gave a brief review to the Board. The Board granted a one year extension to allow Mr. Carl Westerman, the applicant, to make a formal design plan revision. Mr. Westerman must submit an application for a definitive plan modification to the Planning Board prior to May 1, 2009. The deadline has passed. Mr. Gaudette had contacted Attorney Damien Berthiaume and requested an update on the status. Attorney Berthiaume stated that to his knowledge Mr. Westerman needs to obtain financing from the Bank in order to retain the engineer, and that has not yet happened, thus there is no progress on the revision plan.

Mr. Gaudette said one of conditions stated that if the developer fails to complete the construction by such the agreed date it shall be grounds for the Planning Board to vote to rescind approval of the plan. In addition there is no surety, thus the Board doesn't have to hold a public hearing to determine if the developer is in default to complete the construction and then take the surety. Mr. Gaudette asked the Board if they want wanted to rescind the approved plan.

After a brief discussion, Mr. Ceppi made a motion to have Mr. Gaudette schedule a public hearing for the Planning Board to rescind the approved definitive subdivision plan of Mr. Westerman. Mr. Tee seconded the motion and the vote was 4-0 in favor with Ms. Shiver abstaining.

Discussion:

A. Zoning Bylaws and Sponsor Articles Amendments. Mr. Gaudette asked if the Board has any comments or modification to the five articles amendments which are:

1. Miscellaneous – amend Sections 2.2, 4.8.1.H, 4.8.5.L.9, 6.5.3.E.4, and 7.4.3.H.
2. Section 4.8 Special Use Regulations, by adding Section 4.8.6, Earth Removal.
3. Section 4.8 Special Use Regulations, by adding Section 4.8.7, Wind Energy Conversion Facilities.
4. Section 6.2 Common Driveways, to find provide standards for all driveways.
5. Section 7.4.5.K Site Plan Review, Community Impact Analysis.

Mr. Gaudette said that in regards to Earth Removal, the Zoning Board of Appeals has no objection - the members thought the amendment is needed. He then asked the Board to make a formal vote to sponsor the amendments for the articles.

Ms. Shiver made a motion to sponsor the above five Articles Amendments for the Fall Town Meeting. Mr. Sauvageau seconded the motion and the vote was 5-0 in favor.

The deadline to submit articles for the warrant for the Fall Town Meeting (FTM) is September 14, 2009. Mr. Gaudette will file these five Article Amendments with the Town Clerk before that date. A public hearing for the zoning amendments will be held by the Planning Board on October 6, 2009.

Other Business: General Board Discussion

A. 2010 Goals for the Director/Planner. Mr. Gaudette stated that some of his goals in 2010 are to establish Housing Production Plan, to accomplish the sale of Sugden Block Building which was requested by the Town Administrator, and to continue on the Open Space Plan. The Board also suggested the following: Inclusionary Zoning, continue on the Open Space Plan, EDIC Plan, Master Plan, also exploring a Smart Growth Plan and Solar Energy Conversion.

B. Housing Rehabilitation Grant – CDBG. The Board inquired on the status of the grant. Mr. Gaudette said that the Town has 12 units under the contract. The Town has had trouble getting people to sign up for the program mainly due to the economic condition and other restrictions.

C. Consultant Engineer Peer Review. Mr. Gaudette will prepare a public bidding process for consultant engineering prior to July 1, 2010. The Board suggested when reviewing the proposed plan/project it is a good idea to have consultant peer engineer makes presentation to the Board aside from submitting a writing comments.

D. Digitized Format. The Boards want to enforce all developers or individuals to submit plans (major project) in digitized format which is specified in the Spencer Subdivision of Land. Theoretically all digitized plans shall be forwarded to the State – MassGIS. Mr. Gaudette said that ODIS has a GIS consultant (Applied Geographic GIS). The digitized plan can be sent to them to make any changes and incorporate them into GIS.

E. Community Train in Spencer. The Board said the train-line in Springfield is expanding. The Town of Spencer already has an existing rail line that goes through the South of Spencer. The Board asked Mr. Gaudette to check on the possibility of having Spencer be included in the train-line.

Mr. Gaudette said he will prepare the list of goals for 2010 including the above suggestions, and submit them to the Board at a later date.

Approvals of Minutes: For July 7, 2009 and August 18, 2009

Mr. Sauvageau made a motion to accept the minutes for July 7, 2009. Mr. Tee seconded the motion and the vote was 3-0 with Ms. Shiver and Mr. Ceppi abstaining.

Ms. Shiver made a motion to accept the minutes for August 18, 2009. Mr. Sauvageau seconded the motion and the vote was 4-0 with Mr. Carrera abstaining.

Mr. Ceppi made a motion to adjourn the meeting at 8:30 p.m. Mr. Tee seconded the motion and the vote was 5-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk
ODIS

Fabio Carrera
Planning Board Chairman